

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re MCG Health Data Security Issue
Litigation

No. 2:22-CV-849-RSM-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Chief Magistrate Judge David W. Christel, the Objections filed by Defendant and Response from Plaintiffs, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) MCG Health's Motion to Dismiss (Dkt. #35) is granted-in-part and denied-in-part as follows:
 - Plaintiffs' claims alleged in Counts 6, 13, and 17 in-part of the Complaint (Dkt. #32) shall proceed;
 - Plaintiffs' claims alleged in Counts 1 in-part, 2, 8, 12, 14, and 18 in-part of the Complaint are dismissed without prejudice;
 - Plaintiffs' claims alleged in Counts 1 in-part, 3-5, 7, 9-11, 15, 16, 17 in-part, 18 in-part, 19, and 20-22 of the Complaint are dismissed with prejudice; and
 - Plaintiffs are given leave to file an amended complaint that includes only Counts 1, 2, 6, 8, 12-14, 17, and 18; however, the negligence *per se* claim contained in Count 1 and the claims alleged by Plaintiff Strecker in Counts 17 and 18 are dismissed with prejudice and may not be included in the amended complaint.
- (3) The Clerk is directed to send copies of this counsel for the parties and to the Hon. David W. Christel.

DATED this 22nd day of June, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE